

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF MISSOURI
CENTRAL DIVISION

MIROSLAV KOKIC,)	
)	
Plaintiff,)	
)	
vs.)	No. 05-4210-CV-C-NKL
)	
ZEISLOFT TRUCKING, LLC,)	
)	
Defendant.)	

ORDER

Pending before the Court is Defendant Zeisloft Trucking, LLC's ("Zeisloft") Motion to Dismiss for Lack of Jurisdiction and Improper Venue [Doc. 7]. In response to Zeisloft's motion, Plaintiff Miroslav Kokic ("Kokic"), requests [Doc. 11] that this suit be transferred to the Eastern District of Pennsylvania, which encompasses the County of Lehigh, where the automobile accident in dispute occurred, where Plaintiff received medical treatment, and where witnesses, including the reporting police officers, are located. Zeisloft does not object to the transfer.

When the District Court's jurisdiction is founded only in diversity of citizenship, venue is proper in "(1) a judicial district where any defendant resides, if all defendants reside in the same State, (2) a judicial district in which a substantial part of the events or omissions giving rise to the claim occurred, or a substantial part of property that is the subject of the action is situated, or (3) a judicial district in which any defendant is subject to personal jurisdiction at the time the action is commenced, if there is no district in which

the action may otherwise be brought.” 28 U.S.C. § 1391(a) (2005). Moreover, “[t]he district court of a district in which is filed a case laying venue in the wrong division or district shall dismiss, or if it be in the interest of justice, transfer such case to any district or division in which it could have been brought.” 28 U.S.C. § 1406(a) (2005). Because Zeisloft is a not a Missouri company and does not have systematic and continuous contracts with Missouri, and because a substantial part of the events giving rise to the claim occurred in the Eastern District of Pennsylvania, Zeisloft’s Motion in the Alternative to Transfer for Improper Venue is GRANTED.

Accordingly, it is

ORDERED that this case be transferred, under 28 U.S.C. 1406(a)(2005), to the United States District Court for the Eastern District of Pennsylvania.

s/ Nanette K. Laughrey
NANETTE K. LAUGHREY
United States District Judge

Dated: September 12, 2005
Jefferson City, Missouri